

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

RICHARD XIA, a/k/a YI XIA; and  
FLEET NEW YORK METROPOLITAN  
REGIONAL CENTER, LLC, f/k/a FEDERAL  
NEW YORK METROPOLITAN REGIONAL  
CENTER, LLC;

Defendants,

-and-

JULIA YUE, a/k/a JIQING YUE, XI VERFENSTEIN,  
and XINMING YU,

Relief Defendants.

21 Civ. 5350 (PKC)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying Motion and Declaration of M. Scott Peeler and all accompanying exhibits attached thereto, that the Court-appointed Monitor will move this Court at the request of lender, Emerald Creek Capital 3, LLC (“Emerald Creek”), before the Honorable Pamela K. Chen, United States District Judge for the Eastern District of New York, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY 11201, on a date and time to be determined by the Court, for an Order seeking the Court’s authorization to release certain non-investor funds Emerald Creek is holding in reserve (“Interest Reserve”) and apply the Interest Reserve to satisfy interest payments due from and X&Y Development Group under a loan agreement.

Both the SEC and the Defendants are aware of and consent to the request for authorization to release certain funds to Emerald Creek.

Dated: October 18, 2022

Respectfully submitted,

ARENTFOX SCHIFF LLP

By: s/M. Scott Peeler

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*Court Appointed Monitor*